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Attorney Docket No. 9314-41

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Jason Brindel

Serial No.: 10/699,397

Group Art No.: 2871

Filed: October 31, 2003

Confirmation No.: 3313

For: DUAL MODE LIQUID CRYSTAL DISPLAYS (LCDS) AND DEVICES  
INCLUDING THE SAME

March 31, 2004

Office of Patent Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO ACCORD THE PROPER FILING DATE**

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of October 31, 2003 rather than November 3, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of October 31, 2003 being the correct filing date for the application, which was properly filed under 37 C.F.R. § 1.10:

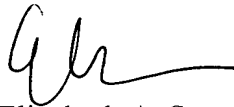
1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt along with a copy of the USPS-Track & Confirm from the web page ([www.usps.com](http://www.usps.com)) , showing "acceptance" or deposit date with the USPS at 5:16 p.m. on October 31, 2003; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of November 3, 2003 instead of the Express Mail date of October 31, 2003.

In re: Jason Brindel  
Serial No.: 10/699,397  
Filed: October 31, 2003  
Page 2

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of October 31, 2003 as the filing date pursuant to 37 CFR § 1.10.

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



Elizabeth A. Stanek  
Attorney For Applicant  
Registration No. 48,568

**USPTO Customer No. 20792**  
Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, North Carolina 27627  
Telephone: 919/854-1400  
Facsimile: 919/854-1401

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 31, 2004.

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Lindsay L. Huey  
Date of Signature: March 31, 2004



**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 9314-41

DATE: October 31, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER  
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☒ a patent application  
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: \_\_\_\_\_; filed \_\_\_\_\_, the disclosure of which is incorporated herein by reference in its entirety.  
☐ and claims the benefit of Provisional Application No. \_\_\_\_\_; filed \_\_\_\_\_.

Inventor(s) or Application Identifier:

Jason R. Brindel, Apex, NC

Entitled: **DUAL MODE LIQUID CRYSTAL DISPLAYS (LCDs) AND DEVICES  
INCLUDING THE SAME**

Myers Bigel Sibley & Sajovec, P.A.

P. O. Box 37428

Raleigh, North Carolina 27627

Telephone: (919) 854-1400

Facsimile: (919) 854-1401

Customer No. 20792

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 18 pages of Specification (including 35 claims)
3. ☒ 5 sheets of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
  - a. ☒ newly executed (*original or copy*)
  - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
  - c. ☐ **DELETION OF INVENTOR(S)** (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.



7. ☐ Microfiche Computer Program (*Appendix*)
8. ☐ Assignment papers (*cover sheet(s) and document(s)*)
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.
10. ☐ Information Disclosure Statement, PTO-1449, and \_\_\_\_\_ references cited
11. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☐ Certified Copy of \_\_\_\_\_ Application No. \_\_\_\_\_ ; Filed
14. ☐ Sequence Listing/ Sequence Listing Diskette
  - a. ☐ computer readable copy
  - b. ☐ paper copy
  - c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate Fee	Large Entity Rate Fee
BASIC FEE			\$385.00	\$ 770.00
TOTAL CLAIMS	35 - 20 =	15	x 09 = \$	x 18 = \$270.00
INDEP CLAIMS	4 - 3 =	1	x 43 = \$	x 86 = \$ 86.00
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 145 = \$	+ 290 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$1126.00

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- ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
- ☒ Please charge my Deposit Account No. 50-0220 in the amount of **\$1126.00**.
- ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
- a. ☒ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
  - b. ☒ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,



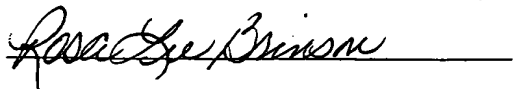
Elizabeth A. Stanek  
Registration No. 48,568

#### CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV 318419652 US

Date of Deposit: October 31, 2003

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- ENROUTE, October 31, 2003, 7:42 pm, RALEIGH, NC 27623
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*Ms Patent Application*

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*EMS/F16*

Date: 10-31-03

Doc. No. 9314-41

Serial No. TBA

Inventor: BRINDEZ

Sir: Kindly acknowledge receipt of the accompanying items listed below  
by placing your receiving stamp hereon and return mailing:

☒ Application Transmittal and:

☒ Specification pages 18

☒ No. of Claims 35

☒ Declaration & POA

☐ Assignment and Fee

☐ Small Entity Statement

☒ Formal Drawings 5 sheets

☐ Associate Power of Attorney

☒ Exp. Mail ☐ 1st Class Mail

☒ Other:

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☐ IDS & PTO-1449 & ☐ refs.

☐ Amendment & Amend. Transmittal

☐ Preliminary Amendment

☐ Issue Fee

☐ Brief

☐ Appeal

☐ Submittal of Priority Doc.

03945 U.S. PTO

10/699397

Respectfully submitted,

MYERS BIGEL SIBLEY & SAJOVEC, P.A.

Attorneys for Applicant



110303



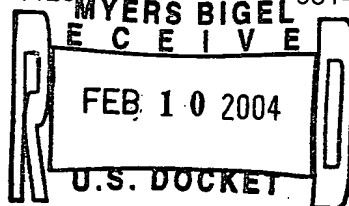
## UNITED STATES PATENT AND TRADEMARK OFFICE



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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/699,397	<del>11/03/2003</del> 10/31/03	2871	1126	9314-41	5	35	4

Elizabeth A. Stanek  
Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, NC 27428



CONFIRMATION NO. 3313

FILING RECEIPT



\*OC000000011843689\*

Date Mailed: 02/05/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Jason R. Brindel, Apex, NC;

**Domestic Priority data as claimed by applicant****Foreign Applications****If Required, Foreign Filing License Granted:** 02/05/2004**Projected Publication Date:** 05/05/2005**Non-Publication Request:** No**Early Publication Request:** No**Title**

Dual mode liquid crystal displays (LCDs) and devices including the same

**Preliminary Class**

349





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**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

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